



GOVERNMENT OF PUERTO RICO

State Historic Preservation Office

Thursday, June 15, 2017

Hon. Ajit Pai

Chairman
Federal Communications Commission
Washington, D. C. 20554

RE: NOTICE OF PROPOSED RULEMAKING AND NOTICE OF INTENT ON "ACCELERATING WIRELESS BROADBAND DEPLOYMENT BY REMOVING BARRIERS TO INFRASTRUCTURE INVESTMENT", WT DOCKET NO. 17-79; FCC 17-38

Dear Chairman Pai:

The Puerto Rico State Historic Preservation Office (SHPO) appreciates the opportunity to comment on the Federal Communications Commission's (FCC) Notice of Proposed Rulemaking and Notice of Intent on *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, published in the Federal Register on May 10, 2017.

Regarding the rules and procedures implementing the *National Historic Preservation Act*, our Office has consistently participated in the review process for wireless network infrastructure - implemented under the Nationwide Programmatic Agreements (NPA's) for Collocations (2001) and New Tower Construction (2004) - in an efficient and timely manner (see Enclosure).

Since there are no federally recognized tribes in Puerto Rico, we have no comment on the Tribal component of the Section 106 review process. As for SHPO review, we emphasize local applicants to initiate Section 106 process early in the project's planning, so that a broad range of alternatives may be considered for the undertaking. Likewise, we believe that a determining factor in the process timing is the diligence of applicants' submittals and how effectively they respond to requests for additional information, if needed, in order to complete the Section 106 review. Our submittal system is moving towards digitalization, an additional element expected to streamline consultation.

A batched submission method for wireless facilities does not seem reasonable since regardless of their location, proximity, size, etc., they would be equally evaluated on a case-by-case basis, entailing a greater effort by our staff in a shorter period of time.





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We believe considering an expansion of the categories of undertakings that are excluded (i.e., Categorical Exclusions) from the Section 106 review to construction of wireless facilities in Rights of Way (ROW) and Collocations may have some drawbacks. A large number of transportation, utility and communications ROW's in Puerto Rico were established before any regulation to protect and manage archaeological sites, historic buildings, structures and/or districts existed, therefore, we consider direct and indirect impacts should be considered on a case-by-case basis. On the other hand, we agree on the facilitation of collocations for Twilight Towers, as long as the individual Section 106 review process is respected and performed under the NPA.

Finally, we have concerns regarding the proposal for excluding from Section 106 review of pole replacements, facility constructions in ROW, Collocations and Small Cell/DAS deployments within or in proximity to the traditional urban centers in Puerto Rico. While the majority of these centers, constructed during Spanish colonial times, are eligible for inclusion in *National Register of Historic Places* (NRHP), only a few are currently listed. Our experience here in Old San Juan, a NRHP listed district for over forty years and a designated *National Historic Landmark*, have not been good considering the number of antenna collocations installed on contributing historic buildings within this district, without Section 106 review, despite the NPA being in effect. This suggests inadequate FCC oversight and enforcement in the most obvious of places. How would it be in the not so obvious ones?

If you have any questions regarding our comments, you may contact our Office at (787) 721-3737.

Cordially,

Carlos A. Rubio-Cancela
State Historic Preservation Officer

CARC/BRS/GMO/MB/MC

Enclosure



PUERTO RICO SHPO / FCC SECTION 106 REVIEW / FY 2014 - FY MAY 2017
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	FY14	FY15	FY16	FY17	FY14-17
0-7 Days	6	4	5	9	24
8-14 Days	8	8	5	10	31
15-30 Days	55	24	23	18	120
30+ Days	7	8	3	8	26
Total	76	44	36	45	201
Average	23 days	22 days	22 days	18 days	21 days
Adverse Effect	0	0	0	1	1
After The Fact	1	0	0	0	1
Archaeological Survey	4	2	3	6	15
No Adverse Effect	11	3	5	9	28
No Historic Properties	58	35	27	28	148
No Historic Properties Pending Finding	0	2	0	1	3
Request Information	2	2	1	0	5